

Message Text

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PAGE 01 STATE 263349

64

ORIGIN ERDA-07

INFO OCT-01 ISO-00 OES-03 IO-10 FEA-01 ACDA-05 CIAE-00

INR-07 L-03 NSAE-00 NSC-05 EB-07 NRC-05 DODE-00 AF-06

ARA-06 EA-07 EUR-12 NEA-10 /095 R

66612

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P 062145Z NOV 75

FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY LONDON PRIORITY

C O N F I D E N T I A L STATE 263349

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, UK

SUBJECT: US AND UK DRAFT SAFEGUARDS AGREEMENTS WITH IAEA

REF: (A) IAEA VIENNA 5940; (B) IAEA VIENNA A-348

1. RE PARA. 3, REF. A, U.K. DRAFT AGREEMENT PROVISION CONCERNING
ADVANCE NOTIFICATION DIFFERS FROM PROPOSED ARTICLE 12.A IN U.S. MAY
2 DRAFT AGREEMENT IN REQUIRING SIMPLY ADVANCE NOTIFICATION AND NOT
REPEAT NOT NOTIFICATION SUFFICIENTLY IN ADVANCE TO ENABLE AGENCY TO
VERIFY QUANTITY AND COMPOSITION OF MATERIAL.

2. BELIEVE SIMILAR REQUIREMENT WOULD BE APPROPRIATE IN U.S.
AGREEMENT MISSION REQUESTED, THEREFORE, TO PROPOSE TO AGENCY
THAT CONCLUDING CLAUSE OF MAY 2 DRAFT ARTICLE 12.A INTRODUCTORY
PARAGRAPH ("THE FOLLOWING PROCEDURES SHALL APPLY") AND ALL
SUB-PARAGRAPHS BE DELETED AND REPLACED BY THE FOLLOWING: "THE
U.S. SHALL NOTIFY THE AGENCY IN ADVANCE OF SUCH WITHDRAWAL,
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PAGE 02 STATE 263349

MAKING IT CLEAR THAT THE USE OF THE MATERIAL SUBSEQUENT TO

WITHDRAWAL WILL NOT BE IN CONFLICT WITH AN UNDERTAKING THE UNITED STATES MAY HAVE GIVEN AND IN RESPECT OF WHICH AGENCY SAFEGUARDS APPLY, THAT THE MATERIAL WILL BE USED ONLY IN A PEACEFUL NUCLEAR ACTIVITY. IN EXCEPTIONAL CIRCUMSTANCES, THE UNITED STATES MAY WITHDRAW NUCLEAR MATERIAL WITHOUT GIVING ADVANCE NOTIFICATION." THIS WOULD BE FOLLOWED BY FINAL PARAGRAPH CONCERNING TERMINATION OF SAFEGUARDS, AS IN MAY 2 DRAFT.

3. U.K. DRAFT AGREEMENT TRANSMITTED BY REF. B WAS RECEIVED TOO LATE FOR REPRODUCTION AND DISTRIBUTION TO INTERESTED OFFICES BEFORE MID OCTOBER AND IS STILL UNDER STUDY. INITIAL REVIEW INDICATES DRAFT GENERALLY APPROPRIATE TO PURPOSE. HOWEVER, WE ARE PERPLEXED BY THE ABSENCE FROM ARTICLE 14 OF PROVISION CONCERNING WITHDRAWAL OF MATERIAL WHICH IS SUBJECT TO PEACEFUL-USES-ONLY UNDERTAKING IN RESPECT OF WHICH AGENCY SAFEGUARDS APPLY. BELIEVE INCLUSION OF THIS PROVISION IS ESSENTIAL. SIMILARLY, BELIEVE ARTICLE 23 SHOULD INCLUDE PROVISION SUCH AS APPEARS IN EURATOM-IAEA AGREEMENT ARTICLE 23.B, CONCERNING CONTINUED APPLICATION OF NO-MILITARY-PURPOSE UNDERTAKING UNDER OTHER SAFEGUARDS AGREEMENTS WITH AGENCY. MISSION REQUESTED DISCUSS WITH U.K. AND ADVISE.

4. MISSION WILL BE ADVISED OF ANY OTHER SIGNIFICANT COMMENTS OR RECOMMENDATIONS DEVELOPED IN FURTHER STUDY OF DRAFT U.K. AGREEMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, AGREEMENT DRAFT, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE263349
Document Source: CORE
Document Unique ID: 00
Drafter: USERDA/IPI/IAEA: ETMCFADDEN
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750387-0055
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751171/aaaacdir.tel
Line Count: 87
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ERDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 IAEA VIENNA 5940, 75 IAEA VIENNA A-348
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2003 by ShawDG>; APPROVED <17 SEP 2003 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US AND UK DRAFT SAFEGUARDS AGREEMENTS WITH IAEA
TAGS: PARM, TECH, UK, US, IAEA
To: IAEA VIENNA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006